



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,099	03/22/2006	Laisheng Liu	1124970-0018	8927

7470 7590 12/01/2009
WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

EASTWOOD, DAVID C

ART UNIT	PAPER NUMBER
----------	--------------

3731

MAIL DATE	DELIVERY MODE
-----------	---------------

12/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,099	Applicant(s) LIU, LAISHENG	
	Examiner DAVID EASTWOOD	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2009 has been entered.

Response to Amendment

Receipt is acknowledged of applicant's amendment filed 10/20/2009. Claim 4 has been canceled without prejudice. Claims 1-3 and 5-6 are pending and an action on the merits is as follows.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yiu (US 5976157).

Regarding Claims 1-3 and 5-6, Yiu discloses an electrical depilator, comprising substantially a main body (11) a motor (216), a reduction gear set (204), an arcuate

Art Unit: 3731

shaft (214) and a set of single-pieces (500), said arcuate shaft being supported on a shaft seat (201) of the main body (11), a first stage gear of said reduction gear set being meshed with a driving wheel of said motor (203,204), a last stage gear being fixed on the single-piece which is located at the endmost position (208), each single-piece having at least one arm (portion of clipping surface 212 which connects to the through bore in the center of the single piece component see figure below), each arm having a clipping surface (212) and a supporting portion (see figure below.) provided at a surface of the arm opposite to the clipping surface (212).

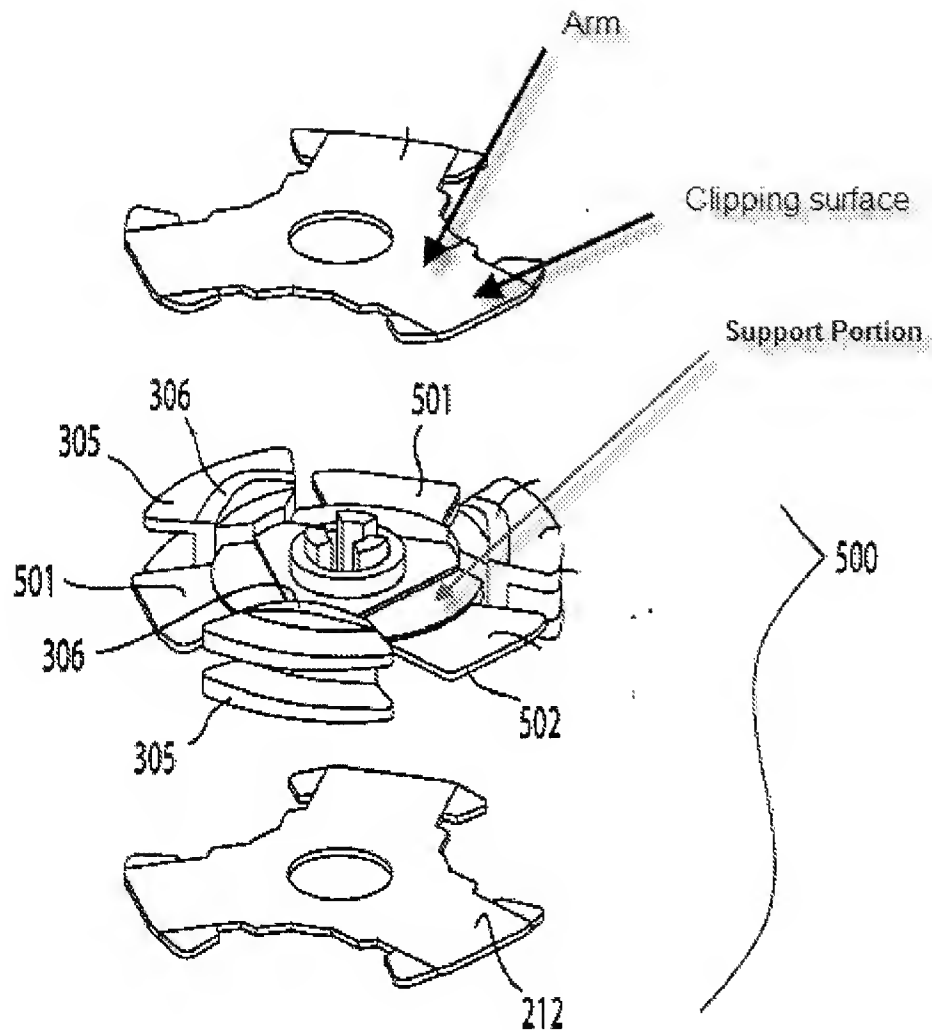


Fig. 3

The whole set of single-pieces being arranged in such a manner that the clipping surfaces are directly opposite to each other (Figure 2 item 212) a clipping gap being formed between opposite surfaces of the arms of two single-pieces, said whole set of single-pieces being coupled together by fixing members so as to rotate synchronously

Art Unit: 3731

(Column 4 lines 1-5), and said whole set of single-pieces being fitted over the arcuate shaft all together(Figure 2), the fixing members are shifting yokes (305) which are formed on both sides of each single-piece, and one shifting yoke on a single-piece is inserted into and locked with another shifting yoke on an adjacent single-piece so that the whole set of single-pieces are coupled together and rotated synchronously (Column 4 lines 1-5), the fixing members are fork bodies (501,502) which are provided with shaft holes at centers thereof corresponding to the position of the arcuate shaft, each single-piece is provided at both sides with fork shaped slots, and both sides of each fork body are inserted into and locked with two fork shaped slots of two adjacent single-pieces, thereby the whole set of single-pieces are coupled together and rotated synchronously (Figure 5 and 2) (Column 4 lines 1-5), the fixing members are bearing housings (210,209), and the whole set of single-pieces are coupled together by the bearing housings so as to rotate synchronously (Column 3 lines 23-29), the fixing members are shaft pins (303), and the whole set of single-pieces are coupled together by the shaft pins so as to rotate synchronously (Column 4 lines 1-5).

Response to Arguments

Applicant's arguments filed 10/20/2009 have been fully considered but they are not persuasive. In response to Applicant's arguments that Yiu does not include certain features of Applicant's invention, the limitations on which the Applicant relies (i.e. one depilating unit is composed of only two single-pieces, rather than the three elements disclosed by Yiu, that the support portions are formed on the same arm of the single-

Art Unit: 3731

piece and there is no third member between the two single-pieces) are not stated in the claims. Therefore, it is irrelevant whether the reference includes those features or not.

Applicant goes on to argue that Yiu fails to disclose the clipping surfaces of two single-pieces are directly facing each other, and there is no third member between the two single-pieces. The examiner respectfully disagrees. Yiu does disclose two single pieces (500) with multiple components having clipping surfaces (212) on their outwardly facing surfaces with no third member in between (see fig. 2 and 3) thus two single pieces placed on an arcuate shaft will have opposing clipping surfaces (212) which will form gaps and come together in order to depilate hair as the arcuate shaft rotates which can be clearly seen in figure 2.

Applicant alleges that Yiu fails to disclose the clipping surface and the support portion are formed on the same arm of the single-piece and are opposite to each other. The examiner respectfully disagrees. Once assembled the single piece 500 has a support structure (see figure above) formed (once assembled) to an arm of the clipping structure (212) (see figure 3 and above).

Applicant goes on to argue that Yiu fails to disclose each single-piece having at least one arm, each of the arms having a clipping surface and a supporting portion provided at a surface of the arm opposite to the clipping surface, the whole set of single-pieces being arranged in such a manner that the clipping surfaces are directly opposite to each other, a clipping gap being formed between opposite surfaces of the arms of two single-pieces. The Examiner respectfully disagrees. Yiu does disclose each single-piece having at least one arm (see figure above), each of the arms having a clipping

Art Unit: 3731

surface and a supporting portion provided at a surface of the arm opposite to the clipping surface (see figure above and the aforementioned argument), the whole set of single-pieces being arranged in such a manner that the clipping surfaces are directly opposite to each other (see aforementioned argument), a clipping gap being formed between opposite surfaces of the arms of two single-pieces (see aforementioned argument).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID EASTWOOD whose telephone number is (571)270-7135. The examiner can normally be reached on Monday thru Friday 9 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DAVID EASTWOOD/
Examiner, Art Unit 3731

/Anh Tuan T. Nguyen/
Supervisory Patent Examiner, Art Unit 3731
11/28/2009